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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/891,773	06/26/2001	Girish V. Prabhu	80099WFN	2700
7590 03/23/2005			EXAMINER	
Thomas H. Close			ROLLINS, ROSILAND STACIE	
Patent Legal St Eastman Kodal		ART UNIT	PAPER NUMBER	
343 State Street			3739	
Rochester, NY 14650-2201			DATE MAILED: 03/23/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Caminor   C	•		Application No.	Applicant(s)	(1)				
Rosland S Rollins  3739  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified show is less than thiry (30) days, a reply within the statutory minimum of binty (30) days, will be considered timely.  If the period for reply specified show is less than thiry (30) days, a reply within the statutory minimum of binty (30) days will be considered timely.  If the period for reply specified show is less than thiry (30) days, a reply within the statutory minimum of binty (30) days, will be considered timely.  If the period for reply specified show is less than thiry (30) days, a reply within the statutory minimum of binty (30) days will be considered timely.  If the period for reply specified show is less than thiry (30) days, a reply within the statutory minimum of binty (30) days will be considered timely.  If the period for reply specified show is less than thiry (30) days, a reply within the statutory minimum of binty (30) days will be considered timely.  If the period for reply specified show is less than thiry (30) days, and will be considered timely.  If the period for reply specified show is less than the statutory and will depend and will be considered timely.  If the period for reply specified show is less than thiry (30) days, and will be considered timely.  If a period for reply specified show is less than thiry (30) days, and will be considered timely.  If a provider of the mainty days and will be considered to the statutory of the mainty days and will be considered timely.  If a provider of the days days and the file mainty days and will be considered timely.  If a provider of the days days and the file mainty d	Office Action Summary		09/891,773		$\mathcal{O}^{\prime}$				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Ederations of time majb a variable used the provision of 3 CFR 1.136(a), in no event, however, may a raply be timely filed  Ederations of time majb as variable used the provision of 3 CFR 1.136(a), in no event, however, may a raply be timely filed  Ederations of time majb as variable used to the provision of 3 CFR 1.136(a), in no event, however, may a raply be timely filed.  If the period for reply sepecified above is less than thirty (20) days, a reply whill the provision of reply is specified above, in the mains of the sepecified for reply will, by a devil agoing 50(6) MONTATE from the maining date of his communication.  Fallule to reply whillow the set of extended period for raply will, by a disable, cause the application to become ABANDONED (35 U.S.C. § 113).  Responsive to communication(s) filed on 12/30/04.  2a) Responsive to communication(s) filed on 12/30/04.  2b) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-17 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  5) Claim(s) 1-17 is/are rejected.  7) Claim(s) is/are allowed.  8) Claim(s) 1-17 is/are rejected to extraction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on	The MAILING DATE of this communication appears on the cover sheet with the correspondence address								
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## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Korenman et al. '322. Korenman et al. disclose an apparatus for facilitating management by an individual of a physiological and/or psychological state of the individual comprising a display for a set of images allowing an individual to show the individual chosen by the individual to one's self (col. 4 line 62) and a device for allowing the individual to choose images from the set of images (col. 4 lines 59-60).

### Response to Arguments

Applicant's arguments filed 12/30/04 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a set of images chosen by the individual to one's self wherein said set of images are based on a personalized image profile based on cognitive decisions relating to connectedness, valence and arousal and on biometric analysis) are not positively recited as a structural limitations in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into

the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims as written only require a display for the set of images and a device for allowing an individual to chose images.

### Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosiland S Rollins whose telephone number is (571) 272-4772. The examiner can normally be reached on Mon.-Fri. 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rosiland S Rollins
Primary Examiner
Art Unit 3739

RR